

**City of Miami Beach - City Commission Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
September 8, 2005**

Mayor David Dermer  
Vice-Mayor Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

Visit us on the Internet at [www.miamibeachfl.gov](http://www.miamibeachfl.gov) for agendas and video "streaming" of City Commission Meetings.

**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

**CONSENT AGENDA**

- PA1 Presentation of Checks from the State Legislators.  
PA2 Certificates of Appreciation/ (4) Ocean Rescue Lifeguards for Winning Events. (Garcia/Steinberg)  
PA3 Certificates of Appreciation/ "At Your Service Award" Winners for June, July & August 2005.  
PA4 Proclamation Declaring September 15 - October 14, 2005 Hispanic Heritage Month in CMB.  
PA5 **New Item:** Certificates of Apprec./MBSH Students, Sister Cities International Art Contest. (Bower)  
PA6 **New Item:** Certificates of Appreciation/Public Health Trust - School Clinic Feinberg/Fisher. (Bower)
- C2A Approve Purchase, (2) 2006 Ford Ranger Pick Up Trucks, \$30,238.30.  
C2B Approve Purchase, (2) 2006 Ford F450 Crew Cab Trucks, \$69,800.  
C2C Approve Purchase, (1) 2005 Bobcat Skid Steer Loader, \$59,402.68.  
C2D Bid No. 35-04/05, Purchase (2) Gooseneck Cargo Trailers, \$33,150.  
C2E Bid No. 18-04/05, Air Handling Unit Replacement at Scott Rakow Youth Center, \$35,470.  
C2F Bid No. 17-04/05, Various HVAC Renovations for the Police Station, \$183,150.  
C2G Bid No. 13-04/05, Service/Maintenance Agreement on HVAC Systems at the Bass Museum.  
C2H Bid No. 20-04/05, Removal & Disposal of Construction Debris & Asphalt, \$159,960.  
C2I Bid No. 31-04/05, Real-Time Closed Captioning Services of Various City Meetings, \$41,000.  
C2J Bid No. 32-04/05, Lease of Golf Carts & Other Misc. Golf Equipment/Vehicles, \$188,208.
- C4A Ref: Land Use & Development Committee - Design Review Procedures Ordinance.  
C4B Ref: Land Use & Development Committee - HP Board Recommendations. (Gross)  
C4C Ref: Appropriate Committee(s) - Task Force Committee for Condo Reform Items. (Garcia)
- C7A Request that the State of Florida Modify the Boundaries of Miami Beach Enterprise Zone.  
C7B Apply for Grant Funds to Various Funding Agencies.  
C7C Apply for Grant Funds to FDOT Highway Beautification Program.

- C7D Issue Purchase Order to Motorola, Police Department's Fingerprint & Palm Print System.
- C7E Accept Donation of (15) Office Type Electrical Lamps to be Used in the Police Department.
- C7F Execute a Mutual Aid Agreement with the City of Hialeah Gardens.
- C7G Ratify Contract, Provide Air Conditioning & Interior Duct System Replacement at Fire Station #1.
- C7H Ratify Contract, Concrete/Pavers Installation Work on Richmond Hotel Section of Beachwalk.
- C7I Ratify Contract, Pressure Cleaning, Waterproofing & Painting Services at MB City Hall.
- C7J Ratify Contract, Air Conditioning Equipment Replacement Services at Public Works Yard.
- C7K Set a First Public Hearing, Consider Extending MBCC as a Venue for Adult Material Events.
- C7L Ratify Ranking of Proposals, Design/Installation of Citywide Holiday Decorations Program.

### **REGULAR AGENDA**

- R5A **10:15 a.m. 2<sup>nd</sup> Rdg**, Authorizing a Shortened Duration for Early Voting.
- R5B **10:45 a.m. 2<sup>nd</sup> Rdg**, Nonconforming Buildings. **5/7**
- R5C **10:45 a.m. 1<sup>st</sup> Rdg**, Reconstruction of Demolished Properties & Engineering Requirements. **5/7**
- R5D **1<sup>st</sup> Rdg**, Removal of Historic Signs. **5/7**
- R5E **1<sup>st</sup> Rdg**, Amend Retirement System for Unclassified Employees & Elected Officials. (Garcia)
- R5F **2:00 p.m. 1<sup>st</sup> Rdg**, Amend Noise Ordinance and Establish a System of Fines & Penalties.
- R5G **10:30 a.m. 1<sup>st</sup> Rdg**, Provide Equal Benefits for Domestic Partners. (Garcia)
- R5H **1<sup>st</sup> Rdg**, Increase the Water Supply Service Charge Imposed by the City.
- R5H1 Urge County Commissioners Not to Approve Water/Wastewater Treatment Rates Increase.
  
- R7A1 **5:01 p.m. 1<sup>st</sup> Rdg**, Adopt Ad Valorem Millage Rate for FY 05/06.
- R7A2 **5:01 p.m. 1<sup>st</sup> Rdg**, Adopt FY 05/06 Budgets, General/RDA/Enterprise & Internal Service Funds.
- R7B1 **5:02 p.m. 1<sup>st</sup> Rdg**, Adopt Millage Rate, Normandy Shore Local Government for FY 05/06.
- R7B2 **5:02 p.m. 1<sup>st</sup> Rdg**, Adopt Operating Budget, Normandy Shores Local Government.
- R7C **5:15 p.m.** Approve Preconstruction Historic Ad Valorem Tax Exemption - 2535 Lake Ave.
  
- R9A Board and Committee Appointments.
- R9A1 Nominate Jorge Kuperman to Serve on the Planning Board. (Garcia)
- R9A2 Nominate Ileana Bravo to the Cultural Arts Council. (Garcia)
- R9A3 Appoint (2) City Commissioners to the Committee for Quality Education in MB Schools.
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Discussion & Report Regarding Hurricane Katrina. (Bower)
- R9D Discussion & Status Report of Fire Department Yearly Inspection of Condos. (Garcia)
- R9E **9:45 a.m.** Presentation by Dr. Martin Karp & Victor Alonso - MBSH School Construction. (Bower)
- R9F Discussion Regarding Parking Issues at South Pointe Park. (Steinberg)
- R9G1-4 **4:30 p.m.** Condominium Issues. (Smith/Bower)
- R9H **5:00 p.m.** Disc. & Presentation re: Hate Crime Incidents/Prevention in Miami Beach. (Cruz)
  
- R10A **Noon**, Notice of Attorney-Client Session: CMB v. American Golf Corporation.

### **REPORTS AND INFORMATIONAL ITEMS**

- A City Attorney's Status Report.
- B Parking Status Report - May 2005.
- B1 Parking Status Report - June 2005.
- C Status Report on Fire Station No. 2.
- D Status Report on Fire Station No. 4.
- E Informational Report on Federal, State, County and All Existing City Contracts.

### **REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.**

- 2A Report of Itemized Revenues/Expenditures of RDA for July 2005.
- 3A Appropriate Funds, Complete 18<sup>th</sup> St. Streetend & Richmond Hotel Sec. of Beachwalk Project.
- 3B Appropriate Funds, Settlement Costs for Street & Landscape Improvements to Alton Road.

Meeting called to order at 9:31:26 a.m.

Invocation given by Rabbi Turk, from the Beth Israel Congregation.

Pledge of Allegiance led by Chief De Lucca.

**Times based on the digital recording in the City Clerk's Office**

**9:31:26 a.m.**

Mayor Dermer requested a moment of silent reflection regarding Hurricane Katrina and the loss of life in New Orleans and the Gulf Coast areas. He stated that Miami Beach understands the problem these storms bring and our hearts go out to those people that have lost loved ones, who have been injured, who are homeless, and we should do everything we can as a community to try to help them. He stated that he is very impressed and pleased to see the outpouring of support that has occurred in such a short time from this community and from this country.

**Supplemental Materials:**

C7E (Resolution), R5G (Revised Ordinance), R5H (Ordinance), R5H1 (Additional information/Resolution.

**10:16:20 a.m.**

**New item:**

Murray Dubbin, City Attorney, announced that pursuant to Section 286.011(8), Florida Statutes, he hereby advises the City Commission that he requires their advice concerning the following litigations; City Of Miami Beach V. American Golf Corporation U.S. District Court, Southern District of Florida, Case No. 04-22607 CIV-MARTINEZ-BANDSTRA. He is therefore requesting that a Closed Executive Session be held at lunch time in the City Manager's Large Conference Room.

Mayor Dermer introduced Dr. Martin Karp, of the Miami-Dade School Board.

**10:34:40 a.m.**

**New Item:**

Bernie Weiner stated that Harry Morgan is the new Police Athletic League Director. He stated that the Police Athletic League (PAL) is placing donor collection cans to collect funds for the kids who are victims of Hurricane Katrina. The cans will be placed at restaurants and businesses. The money will go the PAL organizations for youth programs. He gave the following numbers for information and donations: (305) 531-5636 Extension 24 and his cell phone number (786) 859-6631.

**10:39:10 a.m.**

**New Item:**

Mayor Dermer introduced Tommy Ford.

Tommy Ford stated that he is an actor, author, and youth activist. He founded a non-profit organization for young people called "Be Still and Know, Incorporated" and travels around the country motivating children. He writes children books and works together with celebrity sponsors and illustrators to empower children's lives. With the aftermath of hurricane Katrina, the organization decided to have celebrities go out to the hurricane shelters in the areas affected, read and hand out free books to the children. In order to raise funds, the organization has contacted three major record labels to put on a multicultural musical/comic concert at the Jackie Gleason Theatre. He asked the City Commission to endorse the event and the venue to achieve their goals.

Mayor Dermer stated that Max Sklar, Cultural and Tourism Development Department Director, is the contact person to help him with the event.

Tommy Ford stated that he has many of the acts already, but he needs a letter from the City stating that the event is endorsed, along with a letter from the venue making the theater available.

Vice-Mayor Bower stated that she will endorse this project but wants to ensure that all the funds will go directly to the children.

Motion made by Commissioner Garcia to endorse this project; seconded by Vice-Mayor Bower; approved by consensus.

Jorge Gonzalez, City Manager, urged the City Commission to clarify that this is approved only because of the urgency of time and the circumstances, and it is not the norm to allow non-profit organizations to bring fundraising events.

Mayor Dermer thanked Tommy Ford for his efforts and for his help in organizing the Miami Beach Black Host Committee.

**Handout or Reference Materials:**

1. Pamphlet as part of an e-mail to Commissioner Garcia; BE Still and Know, Incorporated.

**PA - Presentations and Awards****9:36:24 a.m.**

- PA1 Presentation Of A Check From State Legislators To The City Of Miami Beach, For The Florida Recreation Development Assistance Program Grant, In The Amount Of \$200,000 For Normandy Isle Park Renovation And \$80,000 For Muss Park Renovation Project And 2) And In The Amount Of \$400,000 For Stormwater Infrastructure Improvements.  
(Grants Management)

**ACTION:** Presentations given by State Representatives Dan Gelber and Dorothy Bendross-Mindingall, and State Senator Gwen Margolis.

Mayor Dermer thanked the State Representatives for being here this morning. He explained that they brought with them checks for Recreation Development Assistance Programs and he thanked them and the Governor for their efforts. He added that this was the best year Miami Beach has had in the acquiring grants from the legislature.

State Senator Gwen Margolis presented the \$400,000 check for Stormwater Infrastructure Improvements and said there is no better time than now to be aware of stormwater infrastructures. She stated that the City has a great team representing them in Tallahassee.

State Representative Dan Gelber presented a \$200,000 check for the Normandy Isle Park renovations. He stated that he is pleased and honored to work with the entire group; they are a diverse group for a city delegation, but work together very well. He stated that it is an honor to serve this community.

State Representative Dorothy Bendross-Mindingall, presented a check for \$80,000 for the Muss Park renovations, and stated that it is a pleasure to serve this community. She wants the City Commission to know that she really cares about Miami Beach.

**9:44:40 a.m.**

- PA2 Certificates Of Appreciation To Be Presented To Four (4) Ocean Rescue Lifeguards For Winning Events In The United States Lifesaving Association.  
(Requested by Commissioners Luis R. Garcia, Jr. & Richard L. Steinberg)

**ACTION:** Certificates presented to Lifeguard I - Tatiana Valdez, Lifeguard I - Peter Prachtakov, Lifeguard II - Leigh Emerson-Smith, and Lifeguard I - Bert Soden.

Mayor Dermer stated that he appreciates the efforts of the Fire and Police Departments during Hurricane Katrina.

Commissioner Garcia stated that these are "old time employees" with the City and are winning these medals. This is an example of the leadership of the department.

Commissioner Steinberg stated that it is an honor to have employees going out and win medals for the City.

Vincent Andreano, Beach Patrol Captain, stated that the entire staff is in top shape but this group did a little more. He is very proud of their accomplishments.

**9:48:16 a.m.**

PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Months Of June, July And August 2005.  
(City Manager's Office)

**ACTION:** Certificates presented to Chuck Adams, Assistant Parking Director, for the month of June, Jose Polo, Parks and Recreation Leader, for the month of July, and Linette Nodarse, Tourism and Cultural Department, Office Associate IV, for the month of August.

Jorge Gonzalez, City Manager, stated that this award goes to employees that go beyond the call of duty when it comes to customer service. The selection process is handled by peer review and selection by the previous recipients. They receive the recognition of the City Commission, a preferred parking space at City Hall, and a savings bond in the amount of \$100.00.

Saul Frances, Parking Department Director, stated that Chuck Adams is up at all hours making sure that parking issues are addressed during special events. He is on the job at nights and weekends.

Vice-Mayor Bower stated that Mr. Adams was here on duty helping her even before she became a City Commissioner. She appreciates his good work.

Chuck Adams thanked the City for the opportunity for allowing him to do what he loves to do. He stated that if he did not have the staff support above and below him he could not accomplish anything.

Saul Frances, Parking Director, stated that Chuck is the only person that has his phone number on his message at the office.

Kevin Smith, Parks and Recreation Director, stated that it is an honor to present Jose Polo. He is a product of Miami Beach and the parks programs. He also stated that Jose is a well rounded human being; he is a single parent of twins.

Jose Polo stated that it is a pleasure to work for Miami Beach.

Max Sklar, Tourism and Cultural Director, stated that Linette Nodarse has been with the City for about five years and has been promoted twice. He stated that she has been instrumental in the planning of events, especially the MTV awards.

Linette Nodarse stated that she is proud to work for the City of Miami Beach.

Commissioner Steinberg stated that the employees that do not work at City Hall should receive a preferred parking space where they work.

Jorge Gonzalez, City Manager, stated that this is being done.

**10:11:32 a.m.**

PA4 Proclamation Declaring September 15 - October 14, 2005 Hispanic Heritage Month In The City Of Miami Beach.

(City Manager's Office)

**ACTION:** Proclamation presented.

Mayor Dermer stated that it is with great pride that he presents this proclamation and he read the proclamation.

Jorge Gonzalez, City Manager, stated that when the City celebrates these activities the Administration tries to coordinate and cooperate with the community. This year the City partnered with the Miami Beach Hispanic Affairs Committee, Unidad, the Espanola Way Association, the Miami Beach Latin Chamber of Commerce, the Miami Beach Chamber of Commerce and Ayuda. He stated that the Bass Museum has a major exhibition called Retratos (photos) of Latin American art. A special Latin American Hispanic Heritage reception is being coordinate by Unidad and will be held at the Bass Museum on Thursday, September 22 from 6 pm until 9 pm. He also mentioned the art exhibit on the fourth floor of City Hall called Raíces (roots) and organized by the Arts Center of South Florida.

**10:06:51 a.m.****New Item:**

PA5 Certificates Of Appreciation To Be Presented To The Winner and Runners up in an art contest. This year's theme was "Building Global Villages". Each city is permitted to submit one wining entry in the International competition.

(Commissioner Matti H. Bower)

**ACTION:** Certificates presented to the winner Brigitte Lapiber and the following runners up: Samanta Ferrini, Viviana Marconi, Ryan Cabana, Wendy Rodriguez, Sarah Shionis, and Nickson Lubin.

Vice-Mayor Bower stated that the art drawings were gorgeous and appreciates the students' enthusiasm and participation in the contest. She suggested that the drawings be exhibited on the Fourth Floor Lobby.

Mayor Dermer thanked Vice-Mayor Bower and stated that she has worked extremely hard on public health issues, housing issues, and education issues. He stated that she just received the Excellence Award in Public Policy and the Commission is very proud of her.

Commissioner Cruz stated that Vice-Mayor Bower is being recognized for her many years of active service within the education field and received the first annual Excellence Award in Public Policy from the Children's Trust.

Commissioner Steinberg stated that Vice-Mayor Bower did not know that her staff was submitting her name for consideration. He added that he is happy that people in the community recognize and appreciate the work she does.

Vice-Mayor Bower thanked the Commission.

**9:59:43 a.m.**

**New Item:**

PA6 Certificate Of Appreciation To Be Presented To The Public Health Trust in Appreciation For its Outstanding Support In Meeting The Health Care Needs Of The Children Of the Feinberg-Fisher Elementary School.

(Commissioner Matti H. Bower)

Certificate of Appreciation presented to the Public Health Trust. Vice-Mayor Bower recognized Olga Figueras, Principal, Feinberg/Fisher Elementary School, and stated that she has worked tremendously hard to keep the clinic at the school. She expressed the City's appreciation to the Public Health Trust for securing the clinic.

Marvin O'Quinn, from the Public Health Trust, thanked the City Commission for the honor and stated that they are pleased to be able to serve the children and also thanked the Miami Beach Community Health Center staff for their efforts. He is proud to be part of the team that gets things done.

Olga Figueras, Principal of Feinberg/Fisher Elementary School, stated that she is never at a loss for words to express her gratitude to the City of Miami Beach.

Dr. Martin Karp, Miami-Dade School Board member, spoke.

### **CONSENT AGENDA**

**ACTION:** Motion made by Vice-Mayor Bower to approve the Consent Agenda; seconded by Commissioner Garcia; Voice vote: 5-0; Absent: Commissioners Cruz and Smith.

### **C2 - Competitive Bid Reports**

C2A Request For Approval To Purchase One (1) 2006 Ford Ranger 4x2 Pick Up Truck And One (1) 2006 Ford Ranger 4x4 Pick Up Truck, From Garber Ford, In The Amount of \$30,238.30, Pursuant To Florida State Contract No. 04-12-0823.

(Fleet Management)

**ACTION: Award authorized.** Drew Terpak to handle.

C2B Request For Approval To Purchase Two (2) 2006 Ford F450 Crew Cab 4x2 Trucks With 12 Ft Landscape Dump Body, From Duval Ford, Pursuant To Florida State Contract No. 070-001-05-01, In The Amount Of \$69,800.00.)

(Fleet Management)

**ACTION: Award authorized.** Drew Terpak to handle.

C2C Request For Approval To Purchase One (1) 2005 Bobcat Skid Steer Loader With Attachments, From Kipper Tools, Pursuant To General Services Administration Contract No. GS-06F-0018L, In The Amount Of \$59,402.68.

(Fleet Management)

**ACTION: Award authorized.** Drew Terpak to handle.

C2D Request For Approval To Purchase Two (2) Gooseneck Cargo Trailers From Rayside Truck And Trailer, Inc., Pursuant To City Of Miami Beach Bid No. 35-04/05 In The Amount Of \$33,150.00.

(Fleet Management)

**ACTION: Award authorized.** Drew Terpak to handle.

C2E Request For Approval To Award A Contract To Johnson Controls Pursuant To Invitation To Bid No. 18-04/05, For The Air Handling Unit Replacement At The Scott Rakow Youth Center For The City Of Miami Beach In The Amount Of \$35,470.

(Public Works)

**ACTION: Award authorized.** Fred Beckmann to handle.

C2F Request For Approval To Award A Contract To FXP Corp. In The Amount Of \$183,150.00, Pursuant To Invitation To Bid No. 17-04/05 For Various HVAC Renovations For The Police Station.

(Public Works)

**ACTION: Award authorized.** Fred Beckmann to handle.

C2G Request For Approval To Reject All Bids Received, Pursuant To Invitation To Bid No. 13-04/05 For Service/Maintenance Agreement On HVAC Systems At The Bass Museum Of Art.

(Public Works)

**ACTION: Award authorized.** Gus Lopez to notify bidders. Fred Beckmann to handle.

C2H Request For Approval To Award A Contract To Austin Tupler Trucking, Inc. In The Estimated Annual Amount Of \$159,960, Pursuant To Invitation To Bid No. 20-04/05 For The Removal And Disposal Of Construction Debris And Asphalt.

(Public Works)

**ACTION: Award authorized.** Fred Beckmann to handle.

C2I Request For Approval To Award A Contract To National Captioning Institute, Inc., Pursuant To Invitation To Bid No. 31-04/05 For Real-Time Closed Captioning Services Of All City Of Miami Beach Commission Meetings, And Other Televised Meetings, As Required, In The Estimated First Year Amount Of \$41,000, And An Estimated Annual Amount Of \$38,000 For Follow On Years, For A Two (2) Year Period, With The Option To Renew For An Additional Three (3) Years, On A Year To Year Basis.

(Public Works)

**ACTION: Award authorized.** Fred Beckmann, Ron Francis, and R. Parcher to handle.

C2J Request For Approval To Award A Contract To E-Z-Go, Division Of Textron Inc., In The Amount Of \$188,208, In Thirty-Six Monthly Installments Of \$5,228, Pursuant To Invitation To Bid No. 32-04/05 For The Lease Of Golf Carts And Other Miscellaneous Golf Equipment/Vehicles.  
(Parks & Recreation)

**ACTION: Award authorized.** Kevin Smith to handle.

#### Handout or Reference Materials

1. Letter from Jorge M. Gonzalez, City Manager, to Chris Erwin, District Manager, Yahaha Golf –Car Company, dated September 7, 2005, RE: Invitation to Bid No. 32-04/05 – for the lease of Golf Cards and other miscellaneous Golf Equipment /Vehicles (the Bid)

### **C4 - Commission Committee Assignments**

C4A Referral To The Land Use And Development Committee - An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures" By Clarifying The Scope Of Review Of The Design Review Board As It Pertains To Single Family Homes And Townhomes.

(Planning Department)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and to handle.

C4B Referral To The Land Use & Development Committee - HP Board Recommendations.  
(Requested by Commissioner Saul Gross)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and to handle.

**11:37:10 a.m.**

C4C Referral To The Appropriate Committee(s) To Convene A Task Force Committee To Discuss And Recommend Condominium Reform Items.

(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION: Item separated for discussion by Commissioner Garcia. Referred to a joint meeting of the Land Use and Development Committee and the Neighborhood/Community Affairs Committee.** Motion made by Commissioner Garcia; item referred without objection. Vivian Guzman and Jorge Gomez to place on committee agenda. **Tim Hemstreet to handle.**

**The discussion includes the following items: C4C and R9G1-4.**

Commissioner Garcia thanked Representative Julio Robaina for attending today's meeting. He stated that there have been many complaints regarding condominiums and that he even had problems with his condominium association and the regulations as a condominium owner. He added that because of the different types of problems the best way to address condominium issues is with a task force. He stated that as far as the Fire Department's issue, he was distressed at the way that the Versailles was closed. The Versailles was closed almost overnight for violations that the Fire Department should have addressed years ago. The City has legislation that charges an annual fire inspection fee, and he found out that the inspections that should have been done were not. He stated that in talking with the Fire Department's staff, it seems that they are understaffed in the inspection services area, and perhaps the procedures in place may not be the correct. He stated that he is bringing this to everyone's attention because he is afraid that the enforcement is not there for other condominiums. He stated that the violations at the Castle Beach and at the Versailles did not happen overnight.

Commissioner Smith stated that his concern is with condominium conversions. He addressed some of his concerns. He stated that as part of the procedure to convert, which requires a letter from the Planning Director certifying that the building does not have any planning issues, that in addition, that either the building official or someone in the Building Department or Code Compliance should also do inspection of the building to make sure there are no problem with, for example, electrical, plumbing, roofing, or life safety issues. Alternatively, the City could require an independent third party engineer to certify that the building is in good condition and free of code violations and other defects. He is concerned with the City regulating condominiums and this will increase the bureaucracy.

Vice-Mayor Bower stated that some of the problems experienced with the Castle Beach could be simple issues to correct. For example, when somebody is buying a condominium unit, and the attorney or the title company does a search for violations, the only violations that come up are the violations for that unit and not the common areas. A different search needs to be done for the common areas. She stated that language should be added to the letters that the City sends, instructing that a different search needs to be done for the common areas. A procedure should be in place to make sure that all violations are listed. She also stated that the City Manager is in agreement in sending a courtesy notice of the violations to all the residents to make them aware of the problems of the building.

Commissioner Cruz stated his concerns regarding getting City Government involved in the issue of condominiums. Condominiums are governed by state regulation. He stated that he will support what Commissioner Smith's proposes for condominium conversions. There should be requirements before the conversion takes place such as a Building Department engineer report of all the electrical, structural, and other problems with the building.

Mayor Dermer asked State Representative Julio Robaina what is his idea of the government involvement when dealing with condominiums.

State Representative Julio Robaina, stated that he spoke to Charlie Danger with Miami-Dade County and there is no regulation in place for condominium conversions. He stated that there will be legislation to address this at the state level. On the issue of disclosure, he stated that there is state legislation for disclosure and the buyers need to be told of any assessment, litigation, violations, etc.

Vice-Mayor Bower stated that in the Code Compliance anyone can access the website and bring up information and search for the common areas.

Commissioner Gross clarified that there is no code violation information on the City's website at the moment.

Vice-Mayor Bower stated that it is to the City's advantage and the citizen's to make clear to them where the violations are.

Jorge Gonzalez, City Manager stated that this information is captured in the lien letters. He explained that the information is not that detailed and the person needs to come to the office and do a search for this information; and this is more of a disclosure via notification that while the individual unit may not have any violations, the building as a whole may have a series of violations that in the future may require a special assessment or other things that would cause one to lose the use of the property, even though the unit individually is not under any code citation at the moment.

Vice-Mayor Bower stated that she wants the City to protect the citizens the best way possible, without interfering with the state's jurisdiction, by informing them of any violations in the common areas.

Jorge Gonzalez, City Manager, read the sentence that has been added to the lien letters: **"If this property is located within a multifamily property such as a condominium, there may be outstanding building violations or liens that are attached to the commonly owned areas. These areas are lobbies, etc.... and please contact the City...."**

Commissioner Gross stated that if the City is trying to protect the buyer, sending notices to the current owner will not accomplish this.

Jorge Gonzalez, City Manager, stated that this lien letter is targeting the prospective buyer that asks for a lien letter.

State Representative Julio Robaina stated that the courtesy notice was implemented in the City of South Miami while he was a Mayor. He stated that there are things the City can do that the State is not doing and that is licensing property management companies. This will give the City power to stop them from doing business in the City if complaints are received.

Commissioner Steinberg stated that the City needs to make sure that the residents' property investments are protected. The City should direct the lobbying team to let our Tallahassee representatives know that the City of Miami Beach supports those issues. If residents do not feel comfortable buying condominiums, it will impact the City financially.

Commissioner Garcia stated that he wants to empower a task force to review all of the issues. He distributed a copy of the proposed ordinance to the City Commission.

Commissioner Gross stated that the Florida Statute has a lot of legislation that already covers these issues. To have a license requirement, without an educational requirement, will only be money making for the City.

Motion made by Commissioner Garcia to refer to the Land Use and Development Committee for review. Discussion continued.

Hiram Ruiz, Outreach Coordinator for Service Employees International Union (SEIU), spoke.

Commissioner Cruz stated that Mr. Hiram Ruiz is with the Service Employees International Union trying to unionize the condominium management companies and his purpose is not totally altruistic, he has a specific purpose; he wants the unionize management companies and ergo legislation in order to help that.

Benita Argos spoke.

Joe Fontana spoke.

Gabrielle Redfern spoke.

Mr. Peter Rickman, spoke.

**This comment is also included in item R9D:**

Floyd Jordan, Fire Chief, stated that a report was submitted to the City Manager responding to the request made by Commissioner Garcia in reference to the status of the unit inspections program for the past three years. He stated that for the past three years since 2002/2003, 1,800 of the 3,000 occupancies have been inspected. In 2003/2004 approximately 1,500 were inspected and as of the date of the report 780 inspections were completed. He explained that the inspectors assigned to the Fire Prevention Division have to do approximately 3,000 inspections a year. Also, the fire companies inspect 2,000 occupancies per year. There was a request on what has occurred with the three buildings in questions; Castle Beach, Versailles and the Executive Condo. For the Castle Beach in 2002, the records indicate that there were no inspections. In 2003, and 2004, there was a partial inspection. In 2005, there was a full inspection and that was done after the closure. For the Versailles in 2002 no inspections were completed. In 2003 a full inspection was completed. In 2004 there were no inspections, and in 2005, there was a full inspection after the closure. For the Executive Condo in 2002, there was a full inspection. In 2003, there was a complaint inspection. In 2004, there was no inspection, and in 2005, there was a complaint inspection.

Commissioner Garcia stated that he questions the quality of the inspections made at the Castle Beach Condominium.

Commissioner Gross commented that the City empowers private inspectors in a broad range of fire compliance inspections ranging from annual certifications of the fire alarm panel, stand pipe systems, sprinkler systems and fire extinguishers systems. He suggested requirements for the private property owner to have certifications such as fire protections and rating of corridors, inspected by inspectors, and have this certified annually to ensure that the protections are met. Perhaps the City should look at what the City of New York is doing having the property owners to inspect the property annually and certify that the system is in place.

City Clerk's note: See Agenda items R9G 1-4

Handout or Reference Materials:

1. Proposed Ordinance submitted by Commissioner Garcia.
2. Letter from The Continental Group Inc. to Commissioner Luis Garcia dated September 7, 2005.

**C7 - Resolutions**

C7A A Resolution Requesting That The State Of Florida Modify The Boundaries Of The Miami Beach Enterprise Zone, As Identified In Attachment 'A' To This Resolution; And Further Requesting That The Miami-Dade County Board Of County Commissioners Apply To The State Of Florida For Said Modification.

(Economic Development)

**ACTION: Resolution No. 2005-25980** adopted. Kevin Crowder to transmit to Miami-Dade County and the State of Florida.

C7B A Resolution Authorizing The City Manager Or His Designee To Apply For The Following Grant Funds: 1) The Florida Sea Turtle Grants Program In An Amount Not To Exceed \$40,000 For A Sea Turtle Conservation And Education Program, And; 2) The Florida Department Of State, Division Of Library And Information Services FY 2005, Florida Local Historical Records Grant Program For Funding In An Amount Not To Exceed \$5,000 For Funds To Archive And Make Accessible Historical Material Related To The History Of The City Of Miami Beach; Further Appropriating The Grant And Match, If Approved And Accepted By The City; And Authorizing The Execution All Necessary Documents Related To This Application.

(Grants Management)

**ACTION: Resolution No. 2005-25981 adopted.** Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7C A Resolution Authorizing The City Manager Or His Designee To Apply For And Accept A Highway Beautification Grant In An Amount Not To Exceed \$300,000, And Enter Into A Highway Beautification Council Grant, Landscape Construction, And Maintenance Memorandum Of Agreement With The Florida Department Of Transportation For Landscaping And The Installation Of Irrigation Along Portions Of Indian Creek Drive To Be Matched With An Amount Not To Exceed \$300,000 Of City Funding; Further Appropriating The Grant And Match, If Approved And Accepted By The City; And Authorizing The Execution All Necessary Documents Related To This Application.  
(Grants Management)

**ACTION: Resolution No. 2005-25982 adopted.** Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7D A Resolution Approving And Authorizing The Administration To Issue A Purchase Order To Motorola, As The Sole Source Provider Of The Omnitrak Latent Station, For The Police Department's Fingerprint And Palm Print System, In The Estimated Amount Of \$93,100.  
(Police Department)

**ACTION: Resolution No. 2005-25983 adopted.** Gladys Acosta to handle.

**Supplemental Materials: Resolution**

- C7E A Resolution Accepting The Donation Of Fifteen (15) Office Type Electrical Lamps, At An Average Retail Value Of \$398.66 Each For A Total Of \$5,980.00, From Graciela Pagani, To Be Utilized For Lighting In Various Offices Located In The Miami Beach Police Department Headquarters Building.  
(Police Department)

**ACTION: Resolution No. 2005-25984 adopted.** Don De Lucca to handle.

- C7F A Resolution Authorizing The Mayor, Or His Designee, And The City Clerk To Execute A Mutual Aid Agreement With The City Of Hialeah Gardens, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The City Of Hialeah Gardens.  
(Police Department)

**ACTION: Resolution No. 2005-25985 adopted.** Don De Lucca to handle.

- C7G A Resolution Ratifying A Contract, In The Total Amount Of \$48,321.88, To Master Mechanical Services, Inc., To Provide For Air Conditioning Replacement And Interior Duct System Replacement Services At Fire Station No. 1.  
(Public Works)

**ACTION: Resolution No. 2005-25986 adopted.** Fred Beckmann to handle.

C7H A Resolution Ratifying A Contract, In The Total Amount Of \$41,175, To Homestead Concrete And Drainage Inc., For Concrete And Pavers Installation Work On The Richmond Hotel Section Of The Beachwalk Project.

(Public Works)

**ACTION: Resolution No. 2005-25987** adopted.

C7I A Resolution Ratifying A Contract, In The Total Amount Of \$55,800, To Gonzalez Painting And Waterproofing, Inc., To Provide For Pressure Cleaning, Waterproofing, And Painting Services At Miami Beach City Hall (The Project).

(Public Works)

**ACTION: Resolution No. 2005-25988** adopted.

C7J A Resolution Ratifying A Contract, In The Total Amount Of \$41,504, To Johnson Controls, Inc., To Provide For Air Conditioning Equipment Replacement Services At The Public Works Yard Facility.

(Public Works)

**ACTION: Resolution No. 2005-25989** adopted.

C7K A Resolution Setting A First Public Hearing To Consider Extending The Approval Of The Miami Beach Convention Center As A Venue For Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of Section 847.0134, Florida Statutes; and Referring The Matter To The Land Use And Development Committee.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2005-25990 adopted setting the public hearing and the issue is referred to the Land Use and Development Committee.** Public Hearing scheduled for October 19, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to place on the Committee agenda. Max Sklar and Doug Tober to handle.

City Clerk's note: This item contains the booking and operating requirements for adult entertainment oriented events

C7L A Resolution Ratifying The City Manager's Ranking Of Proposals Received, Pursuant To Request For Proposals (RFP) No. 28-04/05, For The Design, Installation, On-Going Servicing And Maintenance Of A Citywide Holiday Decorations Program; Ratifying The Administration's Negotiations With The Top-Ranked Firm Of Christmas Designers, Inc.; And Authorizing The Mayor And City Clerk To Execute An Agreement With Christmas Designers, Inc. Upon Completion Of Successful Negotiations By The Administration; Further Authorizing And Appropriating \$150,000 From The Fiscal Year 2004 - 2005 Resort Tax Contingency, For A Project Cost Not To Exceed \$300,000

(Parks & Recreation)

**ACTION: Resolution No. 2005-25991** adopted. Patricia Walker to appropriate the funds. Kevin Smith to handle.

### **End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****11:30:05 a.m.**

R5A An Ordinance Amending Miami Beach City Code Chapter 38 Entitled "Elections," By Creating Section 38-6 "Early Voting"; Exempting City Mayoral And Commission Elections From The Provisions Of Paragraph (1)(d) Of Section 101.657, Florida Statutes, Concerning Early Voting And Instead Authorizing A Shortened Duration For Early Voting For City Mayoral And Commission Elections; Providing For Repealer, Severability, Codification And An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**

(City Attorney's Office)  
(First Reading on July 27, 2005)

**ACTION:** Public Hearing held. **Ordinance No. 2005-3492 adopted as amended.** Motion made by Commissioner Smith; seconded by Vice-Mayor Bower; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code.

**Amendments:**

Changing all occurrences of Mayoral and Commission elections to City of Miami Beach General, Runoff, and Special Elections.

Jean Olin, Deputy City Attorney, read amendments into the record for Subsections A, D, and E.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

**12:59:20 p.m.****R5B Nonconforming Buildings**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX, "Nonconformances," By Amending Section 118-395 To Clarify And Update Certain Terms And Descriptions, And To Provide More Defined Parameters For What Constitutes A Nonconforming Structure; By Amending Section 118-398 To Clarify And Update Certain Terms And Descriptions; By Amending Section 118-399 To Clarify And Update Certain Terms And Descriptions; By Amending Chapter 130, "Off Street Parking", Article VI, "Parking Credit System" By Amending Section 130-161, To Establish Revised Standards For Non-Conforming Structures; Providing For Repealer, Codification, Severability And An Effective Date. **10:45 a.m. Second Reading, Public Hearing**

(Planning Department)  
(Continued from June 8, 2005)

**ACTION:** Public Hearing held. **Ordinance No. 2005-3493 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Ballot vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

## Amendments:

1. 118-395(2)(d): "... for a historic site-;
2. 118-395(2)(d)(2): "For the rehabilitation or replication of contributing....."
3. 118-395(2)(d)(2): ".....setbacks and or parking...."

Jorge Gomez, Planning Director, and Thomas Mooney, Preservation & Design Manager, introduced the item.

Commissioner Steinberg suggested language for amendment and striking the "or pay a parking impact fee" on Section e (5) on page 159 of the Agenda.

Commissioner Gross stated that the language should remain in the ordinance.

**7:15:35 p.m.**

R5C Reconstruction Of Demolished Properties And Engineering Requirements  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 1, "Generally," By Amending Section 118-503 To Modify The Requirements For An After-The-Fact Certificate Of Appropriateness; By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-562 To Add A Requirement For An Independent Structural Evaluation For Demolition Requests; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**  
(Planning Department)

**ACTION: Ordinance approved on First Reading as amended.** Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 19, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

## Amendments:

1. Amendment suggested by the Administration prior to the second reading, read by Thomas Mooney, Preservation & Design Manager - "If the services of an independent engineer are required by the Historic Preservation Board (HPB), unless otherwise budgeted, the City Commission shall allocate the appropriate funds to cover the costs associated with the retention of an engineer at the next regularly scheduled meeting, and prior to the commencement of any work by the independent engineer."
2. He also stated that the Administration will be bringing before the City Commission prior, to second reading, an authorization for an RFQ for a selection of a list of independent engineers.
3. Standards should be set up to determine if the cost is feasible and reasonable.
4. Paragraph (9) on page 6. The Planning Department shall select the independent structural engineer from a qualified list to be maintained by the Planning Department.

Thomas Mooney, Preservation & Design Manager, introduced the ordinance.

Commissioner Smith stated that it is a waste of time to have a report by a third party engineer. He is supportive of the ordinance but not of the engineering study. He stated that this study could cost up to \$75,000.

Commissioner Gross stated that the Coral Rock House has not been demolished because the City hired an engineer. He explained that the City did not have the mechanism before to retain an engineer and there had to be an emergency City Commission Meeting. In addition, this makes the developer pay for it rather than the City.

Jorge Gonzalez, City Manager, stated that his concern with the ordinance has to do with granting a blank check to the HPB. He urged the City Commission to have the expenditure for the hiring of the engineer approved by City Commission.

Commissioner Smith stated that page 176, paragraph 9 bothers him. His concern is that anything can be retained, preserved or restored for the right price. He would like to see reasonable standards that will take into consideration the cost and feasibility of restoring.

Commissioner Garcia echoed Commissioner Smith's concerns. He stated that people are treated differently at the HPB. He thinks that the cost should be considered.

Murray Dubbin, City Attorney, stated that he is concerned that the City Commission is giving HPB the

authority and responsibility to hire an engineer, and explained that the HPB sits as a judicatory body and if the HPB is put in a position to become advocates before making a decision, this may change the philosophy of the board. He suggested looking into it, not as to whether there should be an engineer appointed or not, but whether the mechanism should be originated from the HPB in this particular way; it has to do with division of the administrative, executive, and judicial responsibilities.

Commissioner Gross stated that the amendment read by Tom Mooney, which would be that the HPB recommends to the City Commission, and then it comes to the City Commission for ratification and the appropriations of funds, should address the City Attorney's concerns.

Murray Dubbin, City Attorney, stated that the amendment addresses his concern.

Commissioner Smith asked about the language that he proposed regarding the restoration being reasonable or feasible.

Commissioner Steinberg stated that there was no opposition to this amendment.

Commissioner Gross stated that he is not comfortable with that, because he is sure that there will be an attorney representing a developer who is going to state that the cost of renovating a building is unreasonable.

Commissioner Smith stated that the independent third party engineer that the City will hire does not have to agree with the developer.

Commissioner Gross asked what is reasonable.

Commissioner Smith asked if the engineer will tell the developer how to do it and the HPB will decide if it is feasible or reasonable to do it.

Thomas Mooney, Preservation & Design Manager, stated that the criteria exists under the HPB of the City Code that specifies that the HPB can take into consideration economic hardship.

Commissioner Steinberg asked if the engineer comes up with a way of doing the job and the HPB determines that it is unreasonable, then who pays the engineer.

Jorge Gonzalez, City Manager stated that this is solved by coming to the City Commission to approve the expenditure to hire the engineer, and also stated that he has a proposal that states that in the event that the HPB grants the Certificate of Appropriateness, at that time the City will bear the cost.

Murray Dubbin, City Attorney, clarified that the language on page 6, paragraph (9), which states that the HPB shall select the independent structural engineer from a qualified list to be maintained by the City's Planning Department should be removed. The HPB should not be selecting and/or hiring the private engineer.

**8:14:26 p.m.**

R5D Removal Of Historic Signs

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, "Signs," By Amending Article I, "In General," By Amending Section 138-11 To Clarify The Requirements And Procedures For The Removal Of Signs; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date.

**First Reading.**

(Planning Department)

**ACTION: Ordinance approved on First Reading.** Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 19, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Steinberg requested an amendment to the other ordinance on the issue of a business name versus the building name. He stated that he would put the item on the Agenda.

**5:50:38 p.m.**

R5E An Ordinance Amending Ordinance No. 88-2603 Which Created The Retirement System For Unclassified Employees And Elected Officials, By Amending Section 5.08, "Post Retirement Adjustments" To Allow For Increasing The Annual Improvement Factor At A Compounded Rate Of Two And One-Half Percent For All Members; Providing For A Repealer, Severability And An Effective Date. **First Reading.**

(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION: Item deferred.** Motion by Vice-Mayor Bower to give the Administration the authorization to look at the pension system holistically for all City employees, excluding Police and Fire, and the Administration will give a report at the October 19 and December 7; seconded by Commissioner Garcia; Voice Vote: 7-0. **Jorge Gonzalez to handle.**

Commissioner Garcia stated that approximately five and half, or six years ago, with the endorsement of his fellow Commissioners, he proposed a plan to increase the benefits of the classified employees who had retired from the City and were living under poverty level. He added that there is a segment of the unclassified employees that are not covered or protected by unions, and years ago some of the benefits were changed. He explained that since the City is entering a period of prosperity, he would like to explore the issue of bringing the benefits of these retirees back to a fair level. He stated that he has spoken with the City Manager about this and the Manager has indicated he will review.

Jorge Gonzalez, City Manager, stated that he will be happy to review, but he can't commit that it will be recommended. He explained that pension is a an interrelated formula and the costs are affected by the benefits established whether it is the multiplier, retirement eligibility age, number of years to vest, the salary, and the cost of living (COLA) adjustment. The Unclassified Pension System is the only pension system, other than the 401, that does not have a 2.5% compounded COLA adjustment. He stated that there are a lot of different things that the Commission can do to provide benefits to the members of the pension system. The COLA is just one of them. If it is the desire of the Commission to explore changes to the pension system, his recommendation is for the City Commission to ask him to look at the pension systems, as a whole, to see if there are areas that can be amended to create a system that is most fair, and would benefit most members, and be most cost effective. He added that changing the COLA element alone would bring the unclassified group up to par with the other plans as it relates to COLA issue, but not necessarily on other aspects of the pension system. His advice is not to deal with the COLA issue at this time and urged the City Commission to defer this item. He stated that the single most beneficial change would be to combine all of the pension systems for all of the non-sworn employees. He stated that given the direction from the Commission, he would work on combining the pensions. He reminded the Commission that the CWA union is asking for three or four changes to their pension system. If the Commission wants to make changes to the pension system, give the Administration the direction to recommend changes that will fix the problems, equitably, once and for all, and for everyone. In addition, he recommended the Commission tell the CWA, something like, this Commission is not going to give the CWA what they are asking for, instead, we are directing the City Manager to look at the pension issues holistically.

Vice-Mayor Bower stated that she thinks the holistic review is the proper approach.

Commissioner Gross asked if there are any aspects of the non-union employees' contract that are more generous than any of the union contracts.

Jorge Gonzalez, City Manager, stated that generally the benefits for the classified employees are more generous than for the unclassified. This benefit, the COLA, is the most expensive benefits at about \$500,000 a year incrementally going forward compounded over 30 years. There are things that can be done in the pension systems to offset this cost that can save money; the combining of the two systems is projected to save nearly \$400,000.

Commissioner Gross stated that he is in favor of combining AFSCME, CWA, GSA, and unclassified into one pension plan for all employees excluding Police and Fire who should have their own.

Jorge Gonzalez, City Manager, stated if this ordinance is approved it may preclude other options, such as, considering changing the retirement age. An analysis is being done on the potential savings by changing the retirement age from 50 to 55 years of age, and it may not affect a lot of people because if the retirement age is increasing and the cap is also increased it may be a more valuable benefit.

Motion made by Commissioner Garcia to bring this item for discussion at the October Commission Meeting. Discussion continued.

Commissioner Gross asked if it would be possible to bring a proposal combining the pension to the September 14 meeting with the CWA.

Jorge Gonzalez, City Manager, stated that he could, but it has not been discussed with the unions. He stated that what he believes the City Commission needs to do at the September 14 meeting is to tell the CWA Union that their demands will not be done, but the Administration has been directed to work on retirement system changes and the Commission wants the City Manager to come back with a holistic solution.

Commissioner Cruz stated that if it is the Administration's idea to re-engineer the entire pension system, for the entire City, he will wait to see the recommendation. He stated that this is a very important issue and wants to make sure it is done correctly.

Jorge Gonzalez, City Manager, stated that this is a very important, very expensive, and very complicated issue. The direction for the Commission is to bring the discussion of retirement to the September 14 meeting of the Finance and Citywide Projects Committee with respect to the CWA impasse hearings. He added that he has remained consistent in his direction; if pension changes are going to be made, direct the Administration to look at the pension system holistically, excluding Police and Fire.

Commissioner Cruz stated that he would like to see the pension systems reengineered.

Motion by Vice-Mayor Bower to give the Administration the authorization to look at the pension system holistically, excluding Police and Fire, and the Administration will give a report at the October 19 and December 7; seconded by Commissioner Garcia; Voice Vote: 7-0.

Commissioner Garcia requested to be kept informed of the progress via an LTC.

R5F An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-151, Entitled "Definitions," To Provide New Terms And Definitions And Deleting Certain Terms And Definitions; Amending Section 46-152, Entitled "Unreasonably Loud Noise Prohibited," By Amending The Title And Adopting Section 21 - 28 Of The Code Of Miami-Dade County By Reference; Amending Section 46-153, Entitled "Responsibility For Compliance," By Amending The Provisions Thereof; Repealing Section 46-154, Entitled "Noise Level In Specific Area"; Repealing Section 46-155, Entitled "Additional Sound Limitations For Public Property"; Amending Section 46-156, Entitled "Temporary Permits," By Expanding The Prohibited Areas For Construction Noise To Within 300 Feet Of Certain Districts And Amending The Exemptions For Special Events And Film Permits; Amending Section 46-157, Entitled "Exemptions," And By Deleting Subsection (11) And Amending The Provisions Thereof; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Enforcement And Warnings; Amending Section 46-159, Entitled "Civil Fines For Violation; Appeals," By Amending The Fines And Penalties For Violations And The Appeal Procedures; Amending And Renumbering Section 46-160, Entitled "Nuisance," As Section 46-161, And Renaming Section 46-160 As "Relief From Violations For Sound Systems And Compliance" And Creating Provisions Therefore; Amending And Renumbering Section 46-161, Entitled "Motor Vehicle Alarms" As Section 46-162 Which Is Hereby Created; Providing For Codification, Repealer, Severability, And An Effective Date.. **First Reading.**

(City Manager's Office)

**ACTION:** Item deferred. Robert Middaugh to handle.

City Clerk's note: The Administration recommendation is to vote to approve an extension of time for further development of a Noise Ordinance for First Reading consideration at the October 19, 2005 Commission Meeting as recommended and supported by representatives of resident, night life industry and hotel participants in the noise ordinance discussion.

Handout or Reference Materials

1. Color graph titled: City Services/Quality of Life – How would you rate the amount of noise in your neighborhood on a typical day? (Source: HayGroup)
2. Color graph titled: City Services/Quality of Life – What is the main cause of noise? Source: HayGroup)

10:48:03 a.m.

**Supplemental Materials: Revised Ordinance**

R5G An Ordinance Amending Miami Beach City Code Chapter 2, Article VI, Division 3, By Creating Section 2-373 Thereof, Entitled "Requirement For City Contractors To Provide Equal Benefits For Domestic Partners," By Mandating That City Contractors Provide Equal Benefits For Domestic Partners; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**  
(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION: Ordinance approved on First Reading and approving the Contract Compliance Specialist position.** Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 19, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Gus Lopez to handle.

Commissioner Garcia recognized Heddy Peña, Executive Director, SAVE Dade. He stated that again the City of Miami Beach is at the forefront with legislation for equal rights.

Raul Aguila, First Assistant City Attorney, explained the ordinance.

Commissioner Cruz asked why we need to hire somebody to oversee this facet of the ordinance. He stated that the form should be sufficient and then do a spot check. He stated that we need to be realistic.

Jorge Gonzalez, City Manager, stated that there is a cost associated with managing, supervising and overseeing the ordinance. This person is not necessarily just for this legislation, but for the other legislations that have been approved over time, and that the Procurement Department is overseeing. This person will do compliance for all other ordinances as well.

Commissioner Cruz stated that if the spot check shows that the contractors are not complying, the City can debar them. He stated that the City does not need this position.

Commissioner Garcia agreed with Commissioner Cruz.

Gus Lopez, Procurement Director, stated that this is not as simple as the honor system. The City of San Francisco has four people. Los Angeles and Minneapolis have several employees to manage similar ordinances.

Commissioner Smith stated that we do need the position, since we have not been enforcing all the ordinances. The City wants to send the message that this ordinance will be enforced. He stated that the City should be reimbursed for costs by having a penalty imposed to the violators.

Jorge Gonzalez, City Manager, stated that the fiscal impact is an estimate; not knowing what the impact will be going forward the Administration tried to come up with an estimate of what the impact had been over the last five years had this legislation been in place.. This was based on bids received and who did, or did not provide the benefits, and what the increment would have been. This ordinance will apply as contracts expire and new contracts are discussed. He explained that the issue of the 5% or the \$250,000 was discussed at the Finance and Citywide Projects Committee meeting and the recommendation is that there should be a mechanism in this ordinance allowing for a waiver of the ordinance if it is appropriate to do so by the City Commission by a 5/7<sup>th</sup> vote. The recommended criteria is that if the lowest bidder is not complying with the ordinance, but his bid is 5% less than the next lowest bidder, which does provide, or their bid is \$250,000 less than the next lowest bidder, the City Commission could consider the waiver. Otherwise the City Commission will not be able to waive it.

Commissioner Smith requested a report before the second reading on the amount of money if the Commission exercised the waiver for those who met the waiver eligibility. **Gus Lopez to handle.**

Commissioner Garcia thanked Raul Aguila and Gus Lopez.

Commissioner Cruz would like to have the penalties in the ordinance before second reading. **Gus Lopez to handle.**

Commissioner Gross supports the ordinance wholeheartedly and it is very timely since the gay and lesbian community feel the City is not as friendly as it used to be. He understands the reaction to hiring new people to the payroll, since this budget has about 100 people added to the payroll.

Commissioner Smith stated in the enforcement issue, the City needs to look for creative ways to enforce the ordinance; perhaps another government agency, or the law school clinic of the City of Miami as opposed to hiring a full-time employee. This needs to be explored between first and second reading. **Gus Lopez to handle.**

Commissioner Steinberg asked if the False Claims Ordinance, which was passed about a year ago, can be changed, so that if someone is asking the City for payment based on a contract that they are supposed to pay a living wage or give domestic benefits or other things, and they are not doing it, that that would trigger the False Claims Ordinance. **Legal Department to handle.**

Raul Aguila, First City Attorney, stated that he would look at the False Claims Ordinance between first and second reading.

Heddy Peña, Executive Director of SAVE Dade, thanked Mayor Dermer and the City Commissioners, especially Commissioner Garcia who sponsored this ordinance, and Jorge Gonzalez, City Manager, for his support and asked to change the 5% in section G(d)(iii) to 10%.

Motion made by Commissioner Garcia to approve it with the 10%; seconded by Vice-Mayor Bower. Discussion continued.

Commissioner Steinberg stated to leave it at 5% and then give the City Commission the ability to decide.

Commissioner Smith also stated to leave it at 5%.

Commissioner Garcia withdrew his motion and moved it with the 5%.

7:42:48 p.m.

**Supplemental Materials: Ordinance**

R5H An Ordinance Amending Chapter 110 Of The City Of Miami Beach City Code Entitled "Utilities", Amending Article IV Entitled "Fees, Charges, Rates And Billing Procedures Division 2. Rates, Fees And Charges" To Increase The Water Supply Service Charge Imposed By The City; Adjusting The Schedule Of Rates For The Minimum Monthly Water Service Charge; And Increasing The Sanitary Sewer Service Charge Imposed By The City; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**

(Public Works)

**ACTION: Ordinance rejected.** Motion made by Vice-Mayor Bower to reject the ordinance; seconded by Commissioner Steinberg; Voice Vote: 7-0.

Fred Beckmann, Public Works Director, stated that the Board of County Commissioners approved an increase of 40% to the City.

Jorge Gonzalez, City Manager, stated if this ordinance is not approved, the City will be absorbing the entire increase.

Discussion continued.

Jorge Gonzalez, City Manager, explained why the Administration feels the increase is excessive. He stated that Miami-Dade County in November 2004, passed the G.O. Bond and in that \$2.9 billion bond they identified a number of water and sewer improvements; and in the disclosure it was stated that this will go to fund areas of Miami-Dade County that are undeveloped. He continued explaining that the G.O. Bonds are funded on an Ad-Valorem basis that applies countywide and part of the debt service paid to Miami-Dade County by the residents of Miami Beach will help fund that improvement, which are the distribution elements of it (such as pipes); and in turn Miami-Dade County is changing the rates to fund the treatment and the plants. In essence, the residents of Miami Beach are paying for Miami-Dade County's G.O. Bonds Debt Service, and now with this increase they are also paying for the improvement to the water plants and the additional rate to pay for the City's distribution.

Commissioner Steinberg will urge other Cities, through the League of Cities, to pass similar resolutions urging Miami-Dade Board of County Commissioners not to approve the proposed water and wastewater treatment rate increases.

Jorge Gonzalez, City Manager, urged the Commission to call their counterparts at Miami-Dade County to urge them to vote against the increase.

Commissioner Cruz stated that the County needs to be notified that the City renewed and replaced all pipes and pump stations.

Mayor Dermer stated that the City should file a complaint demanding a refund from the County.

Motion made by Vice-Mayor Bower to reject the ordinance; seconded by Commissioner Steinberg.

**Supplemental Materials: Additional Information/Resolution**

R7H1 Supplement To R5H – A Resolution Urging The Miami-Dade Board of County Commissioners Not To Approve The Proposed Water And Wastewater Treatment Rates Increases.

**ACTION: Resolution No. 2005-25992 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 7-0. R. Parcher to transmit to the Resolution to the Miami-Dade Board of County Commissioners, County Manager, and Richard Kuper, Dade League of Cities.

**R7 - Resolutions****6:32:52 p.m.**

R7A1 A Resolution Adopting: 1) The Tentative Ad Valorem Millage Of 7.481 Mills For General Operating Purposes, Which Is Twenty And Eight Tenths Percent (20.8%) Greater Than The "Rolled-Back" Rate Of 6.191 Mills; And 2) The Debt Service Millage Rate Of 0.592 Mills; Further Setting The Second Public Hearing To Consider The Millage Rate For Fiscal Year 2005/06, On Wednesday, September 21, 2005 At 5:01 p.m. **5:01 p.m. First Reading, Public Hearing.**

**(Office of Budget & Performance Improvement)**

**ACTION: Title of the resolution read into the record.** Public hearing held. **Resolution No. 2005-25993 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 6-1; Opposed: Commissioner Garcia. Second Reading and second Public Hearing scheduled for September 21, 2005 at 5:01 p.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Kathie Brooks and Jose Cruz to handle.

Heard in conjunction with item R7A2.

Jorge Gonzalez, City Manager, stated that it is his pleasure to present this budget being an unprecedented year for Miami Beach. This is a combination of the property assessment appreciation and the termination of the South Pointe RDA that as a result of two interlocal agreement negotiations with Miami-Dade County on the Convention Development Tax presented the City with a very positive situation and it is reflected on this budget. He stated that this budget is a total of \$207.9 Million, and a Fund Balance of \$31.6 Million. He explained that this budget includes all the recommendations provided by the City Commission both individually and collectively. Four key points of this budget are: 1) to maintain the current level of services, 2) address the key priorities submitted by the community thru the survey or other means, 3) fix structural defects that existed on the budget that were not allowing the City to sustain the growth and expenditures, and being fiscally prudent in the way the funds were being managed, and 4) provide for a greater value to the residents, by providing relief on the amounts that they pay or providing additional services or free services that they are currently paying for. This budget has \$12.8 million increase to maintain current service levels, this includes the costs of pension, insurance, inflation and it is the cost of doing business. This represents a 7.2% increase from the prior year. The budget shows a \$7.1 million in new enhancements. He explained that the termination of the South Pointe RDA brings to the City a level of funding that we did not have before. He explained that the expiration of the interlocal agreement with Miami Dade County is September 30, 2005, and at that time (under normal circumstances) the County's increment going to South Pointe would have reverted back to the County and the City's increment would have reverted back to the City. Under the interlocal agreement 50% of the County increment will continue to be provided to the City of Miami Beach in the area formerly known as RDA for ongoing additional capital projects, and for this year that amount is \$6.2 million. In addition 25% of the County's increment will continue to come to the City for municipal resort tax or convention development tax eligible type projects and this amount is \$3.1 million. In addition, the City was able to negotiate an additional 20% to get us to the full 95 % increment. The interlocal negotiations this year represent \$11.7 million that otherwise would have reverted back to Miami-Dade County, and in addition to the \$14.7 million that is the City's increment which makes a total of \$26.05 million available in the General Fund. The City now has a 10% cushion included in this budget for things before having to cut services, now you have this flexibility. He stated that this budget reduces the millage by .01 of a mill; it also includes the Mayor's proposal the Miami Beach Homeowners Dividend at the level of \$200 per homesteaded property owner. This \$200 refund is the equivalent of a .02 mill reduction in the tax rate.

A PowerPoint presentation was given.

Kathie Brooks, Budget and Performance Improvements Department, spoke.

Commissioner Garcia stated, for the record, that funds be provided for the Teen Job Corps.

Jorge Gonzalez, City Manager, stated that Teen Job Corps will receive the same funding received last year.

Deborah Ruggiero spoke.

Jorge Gonzalez, City Manager, stated that he will look into matching funds given by Miami-Dade County, since he was not aware of this matching. He explained that the \$80,000 is not restricted to North Beach anymore, it is available citywide. **Kathie Brooks to handle.**

Commissioner Gross asked that the Administration look into this between first and second reading. He recognized Ms. Ruggiero's efforts and the success of the program, which is a pilot program for other cities.

Vice-Mayor Bower asked how can the \$200 refund be donated to other causes if property owners do not want to receive it.

Jorge Gonzalez, City Manager, stated that there is a one-page form online or hard copy that will have incorporated a section to check off to be filled out to receive the refund and have it earmarked for a cause or project.

Mayor Dermer stated that a resident could receive the refund and donate it to any personal charity they want to. He explained that this money belongs to the people and they are going to get some of it back. A clear message is being sent that this government does not forget where this money came from.

Motion made by Commissioner Garcia to lower the millage by .02 of a mill; no second offered.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Floppy disk of the PowerPoint Presentation

**7:01:55 p.m.**

R7A2 A Resolution Adopting Tentative Budgets For The General, RDA Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2005/06 Subject To A Second Public Hearing Scheduled On Wednesday, September 21, 2005 At 5:01 p.m. **5:01 p.m. First Reading, Public Hearing**  
(Office of Budget & Performance Improvement)

**ACTION: Title of the resolution read into the record.** Public hearing held. **Resolution No. 2005-25994 adopted.** Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 7-0. Second Reading and second Public Hearing scheduled for September 21, 2005 at 5:01 p.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Kathie Brooks and Jose Cruz to handle.

See action on R7A1.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald



**7:02:35 p.m.**

R7B1 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Tentative Ad Valorem Millage Of 0.814 Mills For Fiscal Year 2005/06 For The Normandy Shores Local Government Neighborhood Improvement District, Which Is Nine And Five Tenths Percent (9.5%) Less Than The "Rolled-Back" Rate Of 0.899 Mills, Subject To A Second Public Hearing Scheduled On Wednesday, September 21, 2005, At 5:02 p.m.

**5:02 p.m. First Reading, Public Hearing.**

(Office of Budget & Performance Improvement)

**ACTION: Title of the resolution read into the record.** Public hearing held. **Resolution No. 2005-25995 adopted.** Motion made by Commissioner Smith; seconded by Vice-Mayor Bower; Voice vote: 7-0. Second Reading and Second Public Hearing scheduled for September 21, 2005 at 5:02 p.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Kathie Brooks and Jose Cruz to handle.

## Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**7:03:19 p.m.**

R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Tentative Operating Budget For Fiscal Year 2005/06 Subject To A Second Public Hearing Scheduled On Wednesday, September 21, 2005 At 5:02 p.m. **5:02 p.m. First Reading, Public Hearing.**

(Office of Budget & Performance Improvement)

**ACTION: Title of the resolution read into the record.** Public hearing held. **Resolution No. 2005-25996 adopted.** Motion made by Commissioner Smith; seconded by Vice-Mayor Bower; Voice vote: 7-0. Second Reading and Second Public Hearing scheduled for September 21, 2005 at 5:02 p.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Kathie Brooks and Jose Cruz to handle.

Commissioner Gross stated that the City is making a down payment on the budget, on the investments, and the capital infrastructure of the City, not so much for the benefit of this Commission but for future Commissions. He stated that this is a very unusual thing because normally people do not want to make that investment, and rather lower the millage further. He stated that this City Commission struck the right balance by having a combination of both. It is a very unusual thing for government to make this kind of investment into the future.

Mayor Dermer thanked the Administration for their efforts on this budget and thanked the Budget Advisory Committee staff for their help. He added that this budget process is the best he has seen in eight years, and thanked them for the strong process from beginning to end.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**7:05:59 p.m.**

R7C A Resolution Recommending Approval Of A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 2535 Lake Avenue, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant Said Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions.  
(Planning Department)

**ACTION: Resolution No. 2005-25997 adopted.** Motion made by Commissioner Gross; seconded by Vice-Mayor Bower; Voice vote: 7-0. Jorge Gomez and Patricia Walker to handle.

Jorge Gomez, Planning Department Director, introduced the item.

Commissioner Gross asked if there has been clarification from Miami-Dade County Appraiser's office in reference to the addition question.

Jorge Gomez, Planning Department Director, stated that if Miami-Dade County agrees with both the Historic Preservation Board and the City Commission that the improvements qualify, meaning that they are compatible with the historical structure and qualify under the program; it is conceivable that Miami-Dade County not accept the addition, but typically in the past with other municipalities, the addition have been found to be in compliance with the County.

Commissioner Gross stated that, if that is the case, this should be publicized even more because it is a huge win for the property owners to receive the cap for ten years, not just on the improvements to historic structure but also on the addition. He also requested that the City Commission be notified if for some reason Miami-Dade County does not approve the addition.

Jorge Gomez, Planning Department Director, stated that when the ordinance was passed a year ago, the City Commission requested an annual report and to advise if there were any problems. The report will have an explanation and an estimate of the benefits based on information received from the Miami-Dade County. **Jorge Gomez to handle.**

Commissioner Gross stated that the process has been streamlined to a one hearing process to have a home designated as historic, and then if the homeowner goes through this process, the increase in property taxes can be capped for ten years on the renovation of the home or qualified improvements.

Commissioner Steinberg stated that he agrees with the process but he questions whether the incentive is truly there. The incentive was to keep homeowners from demolishing the homes. He is concerned that the savings are not enough to accomplish the City's goal. He stated that maybe the City should look at other incentives to accomplish the real intent of the ordinance.

Michael Larkin, Esq. spoke.

Handout or Reference Material

Exhibit "C" which contains:

- 1 Preconstruction Application for Historic Ad Valorem Tax Exemption;
- 2 Current Photo Booklet;
- 3 Historical Images; and
- 4 Architectural Drawings of the Existing Conditions and Proposed Improvements.

City Clerk Cross-reference: Blount Residence

**R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.  
(City Clerk's Office)

**ACTION:**

**Barrier Free Environment committee:**

Michael Lantz                      Term expires 12/31/06                      Appointed by Commissioner Garcia TL 12/12

**Committee for Quality Education in MB:**

Anita Grossman                      Rep. of the PTA for Miami Beach Senior High school  
Alexandra Brown                      Rep. of the PTA for Treasure Island Elementary School

**Loan Review Committee:**

John Gardiner                      Term expires 12/31/05                      Appointed by Commissioner Cruz TL 12/12

**Marine Authority:**

Donald Blechman                      Term expires 12/31/06                      Appointed by Commissioner Smith TL 12/12

**Police Citizens Relations Committee:**

Carlos Piloto                      Term expires 12/31/06                      Appointed by Commissioner Garcia TL 12/12

**Transportation and Parking Committee:**

Robert Blumenthal                      Term expires 12/31/06                      Appointed by Mayor Dermer TL12/12

R9A1 Nominate Mr. Jorge Kuperman To Serve On The Planning Board.  
(Requested by Commissioner Luis R. Garcia, Jr.)  
(Deferred from July 27, 2005)

**ACTION:** Motion made by Commissioner Garcia to nominate Jorge Kuperman to The Planning Board (architect); seconded by Commissioner Cruz; Voice vote: 7-0. Robert Parcher to handle.

R9A2 Nominate Ileana Bravo To The Cultural Arts Council.  
(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION:** Commissioner Garcia withdrew the item until the Cultural Arts Council submits its list of names.

Murray Dubbin, City Attorney, stated that the nominations come from the Cultural Arts Council and the City Commission can accept it or not and also add candidates. The City Commission cannot make appointment without a list of candidates from the Council.

R9A3 Appoint (2) Two City Commissioners To The Committee For Quality Education In Miami Beach Schools.  
(City Clerk's Office)

**ACTION:** Nominated by acclamation to appoint Vice-Mayor Bower and Commissioner Steinberg to the Committee For Quality Education In Miami Beach. Robert Parcher to handle.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).

**ACTION:** No speakers.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:** No speakers.

**5:11:08 p.m.**

R9C Discussion And Report Regarding Hurricane Katrina.

(Requested by Matti Herrera Bower)

**ACTION:** Discussion held.

Commissioner Steinberg stated that The Delano Hotel had an event on Sunday night, to which Commissioner Cruz was able to attend, and they raised \$700,000 for the relief effort. He commended The Delano on their efforts in raising this amount and making the City of Miami Beach look good.

Mayor Dermer thanked The Delano for their effort and Commissioner Cruz for his involvement.

Commissioner Cruz stated that the General Manager of The Delano Hotel organized the event along with Jaime Fox. They really got the people to come out and it was a great event.

Jorge Gonzalez, City Manager, stated that he wants to prepare an Afteraction report on Hurricane Katrina to present to the City Commission, including what happened in the Gulf Cities and on Miami Beach. On August 23<sup>rd</sup>, there was a tropical wave announced and by August 24<sup>th</sup>, the City of Miami Beach had a hurricane warning issued and the morning of August 25<sup>th</sup> the City had a landfall in the evening. He stated that the City's hurricane plan was immediately put into action. The City activated the Emergency Operations Center (EOC) and monitored closely the projection and impact of the storm. Our immediate first response was of damage assessment and debris clearing was ready and operational as of 5:00 a.m. the day of the hurricane. First a damage assessment takes place, and life safety issues are dealt with. After that, the power issue is addressed to make sure that hospitals, police stations and pump stations have power and that the roads are cleared. He recognized the Sanitation Department for the work done in such an expeditious manner. He reminded the City Commission that this was the same weekend of the MTV Video Music Awards and it was a high level of sanitation impact in addition to the hurricane. Nonetheless, beginning Friday, the day of the hurricane, the City established the debris management plan. There were complimentary bulky waste pickups. At this point, clean up has been accomplished throughout the City once and are three quarters of the way through a second go-round, and by September 10<sup>th</sup> it is anticipated to have this completed. He stressed that there is a "temporary transfer trash site" operated on the cloverleaf of the Julia Tuttle Causeway. It will be there no more than thirty days and it is reimbursable by FEMA. The City has a 72 hour window to pick up as much debris as possible and it is fully refundable. The City's debris management calls not only for Sanitation, Parks Landscaping, and Public Works Crews to be out in full force, but also there are contracts with disaster recovery firms that assist the City in managing the stash site but also in debris removal and recovery. Part of the agreement is that once this process is completed, that area gets restored and landscaped. There was no significant or unusual flooding in the City of Miami Beach; all the water pumps and pump stations were never out of service; however, there was minor City damage due to water intrusion at the police headquarters, at the Old City Hall, and the Convention Center. A few private buildings lost the roofs and some relocation of the residents took place. The City is fortunate to have an Urban Forester as part of the staff in the Parks Department and he went out immediately to identify which trees could be saved and which needed to be removed. As you know, the City has a reversed 911 call service and some individuals may have received a duplicate call late at night; this should not have happened, but apparently there was a computer glitch and he apologized for that. The City was trying to keep the community informed and aware of the situation. The reverse 911 system is also used to notify residents, area by area, of free debris removal. The Neighborhood Services Department went around trying to secure facilities for the people that needed a place to stay. He stated that the staff did a fantastic job because not only they had to deal with a hurricane recovery but also with a major event taking place in the City. He recognized the Public Work's crew, the Sanitation and Property Management's crew, and the Park and Landscaping crew, for clearing the streets fast and in an orderly manner. The Police and Fire Departments were providing service except during the high wind period.

The Parking Department was directing traffic after the storm. He also mentioned Code Compliance, Fleet, and Capital Improvement. He stated that when this organization is challenged with a major event weekend or an event such as a hurricane, this organization works effectively as a team. This can be seen in the level of service provided, the confidence they have in one another, and in the willingness to cooperate and take on responsibilities to make sure that the City is cared for.

Mayor Dermer stated that everyone should be very proud and that the entire staff did an excellent job, everybody from Police, Fire, Public Works, Sanitation, and Property Management. He emphasized the importance of evacuating when a mandatory evacuation is issued. He appreciates the patience of all the residents that live here during this time.

Commissioner Cruz stated that if there are any lessons to be learned from New Orleans is that one has to be prepared. The City has a Hurricane Preparedness Plan, but at some point the plan should be presented to the Commission. He stated that it will be good to know how the City of Miami Beach is prepared for a similar type of catastrophe and what can be done in terms of communication. He requested an update on the City's plan. **Robert Middaugh to handle.**

Vice-Mayor Bower stated that it is very hard to change the mindset of people that have always stayed during a hurricane and that refuse to evacuate. She stated that the power outages occurred even though it was a mild storm (Category I), and it was mainly due to trees that had not been trimmed. She stated that for next year there should be a plan in place to address this problem and to give incentives to homeowners to trim the trees before the hurricane season. She also suggested that when Code Compliance is visiting neighborhoods, they should look at the trees, and the City could write a letter to the owners advising them of the need to trim the trees. She suggested working together with Florida Power & Light proactively in regards to tree trimming and would like to be involved in that project. **Fred Beckmann to handle.**

Commissioner Gross stated that trimming the trees is a good project but, unfortunately, many of the power outages are not due to trees and FPL has not been responsive in the past. There are power outages now in the Venetian Islands and two of the islands that are not under grounded. He added that FPL has not been forthcoming; the City requested their five year capital plan to upgrade their equipments, and they have not responded. FPL feels that they answer to the state and local municipalities should not interfere. The City has an obligation to the residents to keep pushing FPL for answers.

Commissioner Smith agreed with Commissioner Gross regarding FPL and tree trimmings; he also stated that he saw a number of broken poles that had nothing to do with trees and transformers that were blown out. He stated that in the 60's the City experienced two or three hurricanes and did not experience the type of power outages experienced now. He stated that it has been at least fifty years since a lot of these poles and lines were put in.

Commissioner Garcia apologized for being late. He complimented Jorge Gonzalez, City Manager, and his staff for setting up the EOC, and stated that the center ran smoothly and there was great team work as compared to others in the past.

Commissioner Steinberg asked on the status of under grounding of the Venetian Islands.

Jorge Gonzalez, City Manager, stated that the problem with the under grounding of the power lines in the islands has to do with FPL corporate policy, which requires the transformer boxes be placed on private property with an easement being provided to FPL. The citizens and the City have been active in trying to convince FPL that they can achieve the same goals by the City providing an easement and placing those boxes in the swale area instead of on private property. FPL has agreed to under ground the cables in the right-of-way, but the issue today is the transformer boxes. The City has been activate

and very adamant in telling FPL to place those boxes on the rights-of-way, that there is enough room and they will not have to be relocated again and if they have to be relocated it will be at City's cost. The pressure on FPL is mounting, on a statewide basis, for under grounding.

Commissioner Steinberg asked what the City Commission can do as a governing body.

Jorge Gonzalez, City Manager, stated that a resolution to FPL endorsing and guaranteeing that the capital infrastructure plan in the Venetian Islands will not require future removal for the next 20 years, and if so, the City has agreed to bear the cost. **Fred Beckmann to handle.**

Commissioner Steinberg requested that this resolution be placed on the next City Commission meeting.

Commissioner Cruz stated that at the Venetian Islands Homeowners Association meeting, the residents feel neglected and are very angry at the Administration and at the City Commission, because they feel no one is listening in terms of under grounding, police patrolling, and even from the Marine Authority. He suggested that the Administration contact the head of the Homeowners Association and bring them up to date.

Jorge Gonzalez, City Manager, stated that he is disappointed that they feel neglected since the Administration has done everything they can do even calling and yelling at FPL. There is only so much that the City can do, and the City has done a lot of work on that front. Although unsuccessful, it has not been due to lack of effort or neglect. He will call Matt Leibowitz to clarify the situation.

Commissioner Steinberg stated that under grounding makes a lot sense because the areas that have under grounding did not loose power.

Commissioner Gross commended Jorge Gonzalez, City Manager, and the Administration on going through the neighborhoods and picking up the debris. Also the residents cooperated by not putting other items among the debris.

Vice-Mayor Bower will work with the City Administration to come up with a plan for the tree trimming efforts for next year and will report back to the City Commission. **Hilda Fernandez to handle.**

Commissioner Gross stated that he remembers an ordinance being proposed that Code Compliance get involved in regulating the size of the trees, hedges, etc. He also suggested that FPL educate the people as to which lines supply the power, and; therefore needs to be free of tree branches.

Commissioner Garcia suggested that electric poles should be regulated the same way other code violations are regulated, and perhaps an inventory can be taken of all poles that look damaged and report them to FPL. **Vivian Guzman to research.**

Commissioner Smith stated that if there is a violation of state law, the City should report it to the Public Service Commission so that they can take action.

**12:40:33 a.m.**

R9D Discussion And Status Report Of Fire Department Yearly Inspection Of Condominiums And Other Commercial & Multi-Family Buildings For The Last Three (3) Years.  
(Requested by Commissioner Luis R. Garcia, Jr.)  
(Deferred from July 27, 2005)

**ACTION:** Discussion held.

Commissioner Garcia asked Floyd Jordan, Fire Chief, if he needed help or any more fire inspectors.

**This comment is also included on item C4C:**

Floyd Jordan, Fire Chief, stated that a report was submitted to the City Manager responding to the request made by Commissioner Garcia in reference to the status of the unit inspections program for the past three years. He stated that for the past three years since 2002/2003, 1,800 of the 3,000 occupancies have been inspected. In 2003/2004 approximately 1,500 were inspected and as of the date of the report 780 inspections were completed. He explained that the inspectors assigned to the Fire Prevention Division have to do approximately 3,000 inspections a year. Also, the Fire Companies inspect an additional 2,000 occupancies per year. There was also a request on what had occurred with the three buildings in questions; Castle Beach, Versailles as well as the Executive Condo. For the Castle Beach in 2002, the records indicate that there were no inspections. In 2003 and 2004 there were partial inspections. In 2005 there was a full inspection and that was done after the closure. For the Versailles in 2002 no inspections were completed. In 2003 a full inspection was completed. In 2004 there was none and in 2005 there was a full inspection after the closure. For the Executive Condo in 2002 there was a full inspection; in 2003 there was a complaint inspection. In 2004 there was no inspection and in 2005 there was a complaint inspection.

Commissioner Garcia stated that the pictures received on the violations at the Castle Beach look like they have existed at least prior to 2003. He questions the quality of that particular inspection. He stated that the ordinance that originated these inspections is bringing approximately \$350,000 a year in revenues to the City, and there is language in the ordinance that the funds should go towards enhancement for the Fire Inspections Services, and that has not been happening. He is concerned that there may be other buildings in the same situation that have fallen through the cracks and the City may not know until it is time to close them down.

Floyd Jordan, Fire Chief, stated that the Fire Department is concerned about this issue. The City Manager has been very supportive, and additional resources have been allocated in the FY 05/06 budget. Over the years the staffing has been enhanced in Fire Prevention Bureau. Staff has increased from three Plans Analysts to six, and a Chief Plans Analyst has been added. The Fire Department is working with the resources available and is trying to improve. The Department hired an excellent Fire Marshal who brings experience and expertise to the position, and who was given the responsibility to look at what is being done and make recommendations. The Fire Department is in the process of implementing those recommendations. Performance standards are now being implemented. The Fire Department is working on what needs to be done and is getting more resources and addressing some of the older buildings that may experience the same issues as these buildings experienced.

Jorge Gonzalez, City Manager, stated that this year's budget includes a professional engineer that will help with the fire inspections.

Chief Jordan stated that there is an added position that has not been filled but it is in the same classification as a Fire Protection Plans Analysts.

Commissioner Garcia stated that at one time there were recommendations to civilianize the Fire Prevention Bureau and asked Chief Jordan if he is having trouble attracting Fire Fighters to serve in the

Bureau.

Chief Jordan stated that there are some volunteers but cannot fill all the positions, so the employee with the least seniority is assigned to the Bureau, oftentimes that individual is not a certified inspector and has to be sent to school which is about a six month process.

Jorge Gonzalez, City Manager, explained that it is not just the schooling for inspectors, but all the other training the fire fighters received, that the employee is taken from their regular assigned duties to go to training and this is part of the problem.

Commissioner Garcia stated that the City is not meeting its goals and the City must find a way to meet them.

Floyd Jordan, Fire Chief, stated that the Fire Marshall developed performance standards and they are being implemented and individuals will be held accountable for meeting these performance standards.

Commissioner Gross stated that the City cannot do necessarily everything that is required. The City empowers private inspectors in a broad range of fire compliance inspections ranging from annual certifications of the fire alarm panel, annual certification of the stand pipe system, annual certification of the sprinkler system and fire extinguishers. He suggested a requirement for the private property owner to have a certification for fire protection and fire rating of the corridors and other items that could be inspected by outside inspectors, and have them certified annually that these requirements are being met.

Chief Jordan stated that this system is enforced in New York City at this time.

Commissioner Garcia stated that property owners are charged for these inspections and if the City is going to require a private certification, then these fees should be reduced. He suggested that this ordinance be reviewed and or revised and maybe implement Commissioner Gross's suggestion.

City Clerk's note: See report included with this item.

See item C4C for additional discussion.

Handout or Reference Materials:

1. Proposed Ordinance submitted by Commissioner Garcia.
2. Letter from The Continental Group Inc to Commissioner Luis Garcia dated September 7, 2005.

**10:16:43 a.m.**

R9E Presentation By Dr. Martin Karp And Victor Alonso Regarding Miami Beach Senior High School Construction Update.

(Requested by Vice-Mayor Matti Herrera Bower)

**ACTION:** Presentation made.

Commissioner Bower stated that there are still some construction issues pending and she wanted the City Commission and the community to be updated on this issue.

Presentation given by Dr. Martin Karp, Miami-Dade School Board Member, and Victor Alonso, Construction Consultant for Miami Beach Senior High School.

Mayor Dermer thanked them for the communication that has been taking place and the relationship that is developing.

Commissioner Garcia echoed Mayor Dermer's comments, and added that the lines of communication are improving.

Commissioner Steinberg stated that Dr. Karp is a breath of fresh air and communications have improved greatly, he is keeping the community informed and his presence is felt.

Vice-Mayor Bower stated that Dr. Karp has been a good representative, he is always there and she can always communicate with his office. She is grateful that this project is moving forward. She stated that the students are having to go to other schools to use their soccer fields and requested the Administration work with them.

Commissioner Cruz stated that he echoes the sentiment of his fellow Commissioners. He stated that Dr. Karp has demonstrated his willingness to work with every one.

Mayor Dermer asked that former Mayor Paul Novack be invited to the opening.

**8:04:50 p.m.**

R9F Discussion Regarding Parking Issues At South Pointe Park.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Discussion held.

Jorge Gonzalez, City Manager, asked direction from the City Commission. This issue came up at the last Commission Meeting when discussing the South Pointe Park and the direction was to analyze a variety of sites in South Pointe for a potential parking garage. He stated that there is consensus on Block site 52, and he asked for direction to start discussion with the owner of the parcel.

Motion made by Commissioner Steinberg to give the Administration authorization to begin discussions regarding Block 52; seconded by Vice-Mayor Bower; Voice vote 7-0.

Commissioner Cruz asked if the pump station would be moved.

Jorge Gonzalez, City Manager, stated that the pump stations are not going to be moved.

Commissioner Gross asked him to explain why the pump stations cannot be relocated from the triangle to the potential garage in Block 52.

Jorge Gonzalez, City Manager, stated that one reason this is not feasible, is the complicated ownership structure that exists among the parcels. He explained that Block 52 is the block just north of Block 51, which is owned by the Related Companies. The southern portion of Block 52 from the alley south is owned by one owner and the eastern half of the northern parcel is owned by the Related Groups. A swap of like number of properties was contemplated between the two owners. Once this is accomplished than their will be a rectangular parcel with the City's alley in the center which is on the east side of the block. This is too far away from where the pump station needs to be. If a pump station is placed in that facility a number of parking spaces will be lost, making the parking garage not a feasible investment. The final staff recommendation for the pump station is likely be that it remains where it was proposed which is the old water tower site. The Commission does not want the pump station on school grounds and it is not a good location.

City Clerk's note: See status report attached to the item

R9G Condominium Issues:

1. Discussion Regarding Condo Conversions.  
(Requested by Commissioner Jose Smith)
2. Discussion And Referral To The Neighborhoods/Community Affairs Committee And The Finance And Citywide Projects Committee - Proposal For Additional Safeguards For Condominium Residents.  
(Requested by Vice-Mayor Matti Herrera Bower)
3. Discussion Of A Resolution Regarding Code Violations.  
(Requested by Matti Herrera Bower)
4. Discussion Regarding Condominium Regulations For The City Of Miami Beach.  
(Requested by Matti Herrera Bower)

**See Afteraction - item C4C**

Handout or Reference Materials:

1. Proposed Ordinance submitted by Commissioner Garcia.
2. Letter from The Continental Group Inc. to Commissioner Luis Garcia dated September 7, 2005.
3. Seven binders of petitions titled: "Support the Miami Condominium Protection Act: Protect Our Homes

and Investments.

**6:17:56 p.m.**

R9H Discussion And Presentation By The Police Department Regarding Hate Crime Incidents/Prevention In Miami Beach.

(Requested by Commissioner Simon Cruz)

**ACTION:** Discussion held.

Commissioner Cruz stated that he placed this item on the Agenda as a result of a meeting that the Public Safety Advisory Board held regarding incidents that have occurred where members of the gay community feel under assault. At that meeting, Carl Zabloutny made a presentation and gave an example of an incident that had happened to him. There was brainstorming as to what can be done to eliminate these incidents in Miami Beach.

Chief Don De Lucca stated that the meeting was very productive, several proactive initiatives have developed, and he prepared an LTC on this. These are the initiatives:

1. A Hate Crime Hot Line phone number has been added to the City's webpage with a link to the Police Department.
2. Walking beats have been created in the Washington Avenue area during peak periods and critical times to address proper behavior.
3. One of the sergeants is organizing a Hotel Night Life Hate Crime Educational meeting on October 5, 2005 to get the cooperation of the night clubs and hotels to report and prevent these incidents.
4. Police, victims and advocates have distributed the hot line cards.
5. Capt. Brian Sliman, Commander of the Criminal Investigations Unit, is the point person to follow up on investigations on hate crimes. This information has been added to the Police Department's web home page and a link created directly to his e-mail.
6. There have been refresher training classes with police officers and detectives. In addition, 400 pocket guides from the Department of Justice to help the officers in the field to investigate have been distributed.

Carl Zabloutny, owner of "The Wire" magazine, spoke.

Commissioner Cruz thanked Chief De Lucca and following Mayor Dermer's request, he stated he will continue pursuing this. He will meet with Carl Zabloutny, the City Manager's staff and Chief De Lucca to see what can be developed and to form an informal committee to follow up and report back to the City Commission.

Frank Kruszewski spoke.

Handout or Reference Materials:

1. LTC dated September 8, 2005, Subject: Hate Crime Initiatives.

**R10 - City Attorney Reports**

R10A Notice of Attorney-Client Session.

Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

City Of Miami Beach V. American Golf Corporation U.S. District Court, Southern District Of Florida, Case No. 04-22607 CIV-MARTINEZ-BANDSTRA

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On September 8, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matter.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Gary Held And Special Counsel For City Of Miami Beach Evan Goldenberg, Esq.

**ACTION: Murray Dubbin, City Attorney, read the above notice.**

**5:11:28 p.m.**

Murray Dubbin, City Attorney, stated that the Executive Session is adjourned.

**Reports and Informational Items**

- A City Attorney's Status Report.  
(City Attorney's Office)
- ACTION:** Written report submitted.
- B Parking Status Report – May 2005.  
(Parking Department)
- ACTION:** Written report submitted.
- B1 Parking Status Report – June 2005.  
(Parking Department)
- ACTION:** Written report submitted.
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.  
(Capital Improvement Projects)
- ACTION:** Written report submitted.
- D Status Report On The Construction Of Fire Station No. 4.  
(Capital Improvement Projects)
- ACTION:** Written report submitted.
- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)
- ACTION:** Written report submitted.

City Clerk's note: A copy of Commission Memorandum dated September 12, 2005, RE: Assistance to the Miami City Ballet, was distributed at the meeting. A copy of the Memorandum is filed in this meetings Handout folder.

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
September 8, 2005**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Tim Hemstreet  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

2. OLD BUSINESS

A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of July 2005.

**ACTION:** Written report submitted.

**12:57:16 p.m.**

3. NEW BUSINESS

A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Approving The Appropriation Of Non-Tax Increment Redevelopment Agency Funds From The City Center Redevelopment District, In The Amount Of \$355,000, To Complete Engineering Design And Construction Of The 18th Street Streetend And The Richmond Hotel Section Of The Beachwalk Project.

**ACTION: Resolution No. 513-2005 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 7-0. Patricia Walker and Tim Hemstreet to handle.

**12:58:18 p.m.**

B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Appropriating Funds, In The Amount Of \$136,000 From South Pointe Redevelopment Area Tax Increment Funds, In Connection With The RDA's Agreed Upon Proportionate Share Of Costs Associated With Street And Landscape Improvements To Alton Road, Between Third And Fifth Streets, In Accordance With The Settlement Agreement Amongst The City Of Miami Beach, The Miami Beach Redevelopment Agency, And West Side Partners Limited, Dated April 15, 1998.

**ACTION: Resolution No. 514-2005 adopted.** Motion made by Commissioner Steinberg seconded by Vice-Mayor Bower; Voice vote: 7-0. **Patricia Walker and Tim Hemstreet to handle.**

Meeting adjourned at 8:20:30 p.m.

**End of RDA Agenda**